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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- v. -

VERIFIED COMPLAINT FOR
FORFEITURE

ANY AND ALL ROOSTERS AND HENS
SEIZED ON OR ABOUT MAY 23, 2017 :
FROM 751 WHITNEY ROAD, ONTARIO, NY
14519 AND ANY PROGENY THEREOF;

17 Civ. ____ (____)

Defendant-*in-rem*.

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Plaintiff United States of America, by its attorney,
Joon H. Kim, Acting United States Attorney for the Southern
District of New York, for its verified complaint alleges, upon
information and belief, as follows:

I. NATURE OF THE ACTION

1. This action is brought by the United States
pursuant to Title 7, United States Code, Section 2156(f),
seeking the forfeiture of the following animals that were
involved in an animal fighting venture in violation of Title 7,

United States Code, Section 2156:

- a. Any and all roosters and hens seized on or about May 23, 2017 from 751 Whitney Road, Ontario, NY 14519 and any progeny thereof;

(the "Subject Animals").

2. By this complaint, the United States seeks the forfeiture of all right, title and interest in the Subject Animals which is to include any and all progeny that may be born subsequent to the filing of this Complaint.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to Title 28, United States Code, Sections 1345 and 1355.

4. Venue is proper under Title 28, United States Code, Section 1355(b)(1)(A) because, among other things, actions giving rise to forfeiture took place in the Southern District of New York.

III. PROBABLE CAUSE FOR FORFEITURE

5. On or about July 27, 2017, Thomas Carrano ("Carrano") was arrested and charged, via Indictment, 17 Cr. 460, (the "Indictment") with one count of Conspiracy to Possess, Train, and Buy Roosters for Participation in an Animal Fighting Venture, in violation of Title 18, United States Code, Section 371 (Count One). A copy of the Indictment is attached hereto as Exhibit A and is fully incorporated by reference herein.

6. As detailed more fully in the Indictment, the Subject Animals were seized following an investigation by law enforcement into an alleged cockfighting venture run by Carrano.

7. Cockfighting is an activity in which a knife, gaff, or other sharp instrument is attached to the legs of roosters for the purpose of fighting each other.

8. The investigation into Carrano's activities revealed that from at least in or about January 2012 up to and including June 2017 Carrano, and others, sold, bought, possessed trained, transported, delivered and received animals, namely hens and roosters for cockfighting in violation of Title 7, United States Code, Section 2156(b).

9. The Subject Animals are animals that were involved in Carrano's cockfighting operation.

10. As alleged in the Indictment, in or about February 2016, a co-conspirator not named as a defendant in the Indictment ("CC-1"), mailed Carrano roosters from the Bronx, New York.

11. In or about June 2016, Carrano sent messages via a social media account to another co-conspirator, not named as a defendant in the Indictment, in which he indicated that one of the roosters mailed to him, Carrano, by CC-1 was killed in a cockfight.

12. On or about May 23, 2017, law enforcement officers executed a judicially authorized search warrant at 751 Whitney Road, Ontario, NY 14519 (the "Search Location").

13. As a result of the execution of that search warrant, law enforcement seized the Subject Animals from the Search Location. Additionally, law enforcement further seized cockfighting paraphernalia during the execution of that search warrant.

14. At the time of the seizure of the Subject Animals, the Search Location, a gamefowl farm, was under the care, custody and control of Carrano who maintained and operated that gamefowl farm.

15. The Subject Animals are currently under the custody and control of the American Society for Prevention of Cruelty to Animals.

16. This Complaint seeks forfeiture of any animal involved in any violation of Title 7, United States Code, Section 2156 (Animal Fighting Venture Prohibition), to wit, the Subject Animals and any and all progeny that may be born after the May 23, 2017 seizure.

V. CLAIM FOR FORFEITURE

17. Paragraphs 1 through 16 of this Verified Complaint are repeated and re-alleged as if fully set forth

herein.

18. Title 7, United States Code, Section 2156(f) subjects to forfeiture "[a]ny animal involved in any violation of this section."

19. Title 7, United States Code, Section 2156(b) provides:

Buying, selling, delivering, possessing, training, or transporting animals for participation in animal fighting venture

It shall be unlawful for any person to knowingly sell, buy, possess, train, transport, deliver, or receive any animal for purposes of having the animal participate in an animal fighting venture.

20. Title 7, United States Code, Section 2156(g)(1) defines the term "animal fighting venture" to "mean any event in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment."

21. Title 7, United States Code, Section 2156(g)(4) defines the term "animal" to "mean any live bird, or any live mammal, except man."

22. The Subject Animals are comprised of animals which Carrano possessed for the purpose of cockfighting. Consequently, the Subject Animals constitute animals involved in a violation of Title 7, United States Code, Section 2156, and

thus, is subject to forfeiture pursuant to Title 7, United States Code, Section 2156(f).

VI. CLAIM FOR FEES

23. Paragraphs 1 through 16 of this Verified Complaint are repeated and re-alleged as if fully set forth herein.

24. Should any owner appear in this action to contest the forfeiture of the Subject Animals, the Government shall seek all costs incurred with respect to the care of the Subject Animals.

25. Title 7, United States Code, Section 2156(f) provides that:

Costs incurred for care of animals seized and forfeited under this section shall be recoverable from the owner of the animals (1) if he appears in such forfeiture proceedings, or (2) in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the Subject Animals and that all persons having an interest in the Subject Animals be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the Subject Animals to the United States of America for

disposition according to law, and that this Court grant plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action, including all costs incurred for the care of the Subject Animals that is forfeited.

Dated: New York, New York
July 27, 2017

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the Southern District of New York
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